

EXHIBIT D

THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

MARSHALL DIVISION

ENTROPIC COMMUNICATIONS,
LLC,

Plaintiff, Case No.

vs. 2:22-cv-00125-JRG

CHARTER COMMUNICATIONS,
INC.,

Defendant.

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REMOTE VIDEO DEPOSITION OF  
JOHN HOLOBINKO

August 23, 2023

9:00 a.m. Central

Stenographically Reported By:

Deanna Amore - CRR, RPR, CSR - 084-003999

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| <p style="text-align: right;">Page 34</p> <p>1 is it fair to say that there's a carrier signal and<br/>2 then a modulated signal?</p> <p>3 A. No. It's the carrier that's modulated.</p> <p>4 Q. I don't know if this is right or wrong,<br/>5 but it's something we can talk to the jury about if<br/>6 it's right.</p> <p>7 When you say "a carrier that's modulated,"<br/>8 does the word "modulated" mean slightly changed?</p> <p>9 A. Yes. And there can be many attributes of<br/>10 that change. One attribute would be frequency. In 11:27:47<br/>11 advanced modulation schemes, such as OFDM and<br/>12 OFDMA, the phase of the signal and the amplitude of<br/>13 the signal are also part of it or they can be the<br/>14 primary parts of it but the FM -- with the F being<br/>15 a fixed carrier for that signal.</p> <p>16 Q. With respect to a probe that's being<br/>17 transmitted on a carrier, would you consider the<br/>18 modulation scheme to be a parameter associated with<br/>19 the transmission of that probe?</p> <p>20 A. Yes. 11:28:52</p> <p>21 Q. So is it fair to say that with respect to<br/>22 a probe that's being transmitted on a carrier, the<br/>23 parameters of the carrier are associated with the<br/>24 transmission of that probe; is that fair?</p> <p>25 A. Yes.</p> | <p style="text-align: right;">Page 36</p> <p>1 they could understand what a node is in the context<br/>2 of this claim?</p> <p>3 A. Generically, in the context of this claim,<br/>4 it would be any device attached to the network that<br/>5 communicated with other devices.</p> <p>6 Q. And that includes the cable headend?<br/>7 That's a node?</p> <p>8 A. No, a cable headend is a location where<br/>9 there are many different pieces of equipment.</p> <p>10 Q. Is the CMTS a node on a network? 11:33:24<br/>11 A. A CMTS might or might not be a node on a<br/>12 network depending upon the context.</p> <p>13 Q. How could the CMTS be connected to the<br/>14 network but not be a node on the network?</p> <p>15 A. If it were a requestor of something, it<br/>16 would be possible to be a requestor, but, generally<br/>17 speaking, let's say that it's a node on a network.</p> <p>18 Q. What do you mean by a "requestor"?</p> <p>19 A. Well, a cable TV system is a one-to-many<br/>20 network. 11:34:06</p> <p>21 Q. And how does that explain what a requestor<br/>22 is and why is a requestor not a node?</p> <p>23 MS. ALLOR: Object to form.</p> <p>24 THE WITNESS: It's kind of obvious to anyone<br/>25 who's a POSITA.</p> |
| <p style="text-align: right;">Page 35</p> <p>1 Q. Now, you talked about -- you used the word<br/>2 "form," the "form of the probe." What did you mean<br/>3 by that?</p> <p>4 A. The form of the probe would be as it's<br/>5 described in -- by the Court. So it would be the<br/>6 parameters of the probe that are defined by the<br/>7 probe request.</p> <p>8 Q. So whatever parameters are in the probe<br/>9 request that are used to define the probe, those<br/>10 parameters relate to the form of the probe? 11:31:04<br/>11 A. That's correct.</p> <p>12 Q. Now, if you look at claim 1, it says<br/>13 element -- do you have claim 1 in front of you?</p> <p>14 A. Yeah, just a second. I am going to get<br/>15 exactly to the right spot. Yes.</p> <p>16 Q. So if you look at claim 1, Element (a), it<br/>17 says "receiving in a first node."<br/>18 Just backing up a step, a node is a<br/>19 technical way of, at least in the context of this<br/>20 case, referring to a device in the network; right? 11:32:11<br/>21 A. I wouldn't hazard a different definition<br/>22 than what is in the patent itself which is referred<br/>23 to.</p> <p>24 Q. Is there a plain meaning of the word<br/>25 "node" that you could explain to the jury so that</p>                                            | <p style="text-align: right;">Page 37</p> <p>1 BY MR. COHN:</p> <p>2 Q. Can you explain that? Since you're an<br/>3 expert, and I'm not, can you explain how a<br/>4 requestor is not a node?</p> <p>5 A. Nodes are considered elements within the<br/>6 network itself. The CMTS talks to nodes. So in<br/>7 the -- let me pause for one second.</p> <p>8 Q. Sure.</p> <p>9 A. So, I guess, for the purposes of this<br/>10 discussion, I would go and say that the CMTS can be 11:35:45<br/>11 a node.</p> <p>12 Q. In what circumstances would a CMTS not be<br/>13 a node?</p> <p>14 A. Well, I think that if we're talking about<br/>15 communications between nodes, it is possible for<br/>16 the CMTS to be a node in that context.</p> <p>17 Q. Does the node have to be able to transmit<br/>18 and receive information on the network?</p> <p>19 A. Yes.</p> <p>20 Q. And if a node is only receiving and not 11:36:47<br/>21 transmitting, you wouldn't call it -- if a device<br/>22 on the network is only receiving information and<br/>23 never transmitting it to the network, you wouldn't<br/>24 call that a node. Is that what meant by receiver?</p> <p>25 A. I'd say that's yes.</p>                                                  |

10 (Pages 34 - 37)

Page 114


C E R T I F I C A T E

I, DEANNA AMORE, a Shorthand Reporter and notary public, within and for the State of Illinois, County of DuPage, do hereby certify:

That JOHN HOLOBINKO, the witness whose examination is hereinbefore set forth, was first duly sworn by me and that this transcript of said testimony is a true record of the testimony given by said witness.

I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 28th day of August 2023.



Deanna M. Amore, CRR, RPR, CSR

Page 115

KATHERINE L. ALLOR  
katy.allor@klgates.com  
August 28, 2023

Entropic Communications v Charter Communications, Inc., Et Al  
8/23/2023, John Holobinko (#6067725)

The above-referenced transcript is available for review.

Within the applicable timeframe, the witness should read the testimony to verify its accuracy. If there are any changes, the witness should note those with the reason, on the attached Errata Sheet.

The witness should sign the Acknowledgment of Deponent and Errata and return to the deposing attorney. Copies should be sent to all counsel, and to Veritext at cs-ny@veritext.com.

Return completed errata within 30 days from receipt of testimony.

If the witness fails to do so within the time allotted, the transcript may be used as if signed.

Yours,  
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Page 116

Entropic Communications v Charter Communications, Inc., Et Al  
John Holobinko (#6067725)

E R R A T A S H E E T

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John Holobinko Date

Page 117

Entropic Communications, Llc v. Charter Communications, Inc., Et Al  
John Holobinko (#6067725)

A C K N O W L E D G E M E N T O F D E P O N E N T

I, John Holobinko, do hereby declare that I have read the foregoing transcript, I have made any corrections, additions, or changes I deemed necessary as noted above to be appended hereto, and that the same is a true, correct and complete transcript of the testimony given by me.

John Holobinko Date

\*If notary is required

S U B S C R I B E D A N D S W O R N T O B E F O R E M E T H I S

\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

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